

Remarks:

By way of this paper, Claims 1-21 have been cancelled, and new Claims 22-40 have been added.

With regard to the claim objections, Claims 16-17 have been cancelled, thus obviating the corresponding objections.

Claims 5, 11, 17 and 19 stand rejected as being indefinite. Those claims have been cancelled by way of this paper. In addition, the new claims that are presented by way of this paper do not contain any of the rejected language. As such, the now pending claims are believed to definite.

Claims 1-4, 6-7, 9, 11-13, 15-16, and 19-21 stand rejected for failing to comply with the written description requirement. As stated above, those claims have been cancelled by way of this paper. In addition, the new claims that are presented by way of this paper all include language clearly stating that the intercalating moiety of the now claimed invention includes acridine, porphyrin, ellipticine, phenantrolinc, carbazole, benzimidazole, or a compound that exhibits cytostatic activity. As such, the new claims are believed to conform with the written description requirement.

Since previous Claims 1-21 are now cancelled, the rejections based on novelty and/or obviousness of those claims are now moot. It is believed that new Claims 22-40 are patentable over the references of record.

No fee is believed to be due for entry of this paper. However, please feel free to charge any fee deemed necessary for entry to Deposit Account 13-1160.

It is believed that this application is in condition for allowance. Accordingly, early notice of allowance is hereby requested. Should the Examiner believe that a telephone conference would expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,
Mallinckrodt Inc.



Jerad G. Seurer, Esq.

Reg. No. 45,467

Tel.: (314) 654-3814

jerad.seurer@tycohealthcare.com